IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

CRP.No. 1445 of 2004(E)

AGAINST THE ORDER DATED 21/10/2004 IN IA.1925/94,IA.1694/74 IN OS.41/1970 of SUB COURT, TIRUR

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PETITIONER: RESPONDENT NO.35 IN IA.1925/04/RESPONDENT NO.35 IN IA.1694/74:

HAMZAKUTTY HAJI, AGED 65,
S/O.HYDRU, KODALIL HOUSE,
P.O.PARAMMAL ANGADI, KALPAKANCHERY,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS: PETITIONER& RESPONDENTS 1, 3 TO 34 AND 36 TO 43 IN I.A.1925/04/PETITIONER & RESPONDENTS 1,3 TO 34 AND 36 TO 43 IN I.A.1694/74:

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1. **THADATHIL AHAMMED @ KASMI,**
   VALAVANNOOR AMSOM ,CHERUVANNOOR DESOM,
   TIRUR TALUK, MALAPPURAM DISTRICT.

2. **KUNJIPATHUMMA, THADATHIL HOUSE,**
   IRINGAVOOR AMSOM DESOM, TIRUR TALUK,
   MALAPPURAM DISTRICT.

3. **IBRAYIL, THADATHIL HOUSE,**
   VALAVANNUR AMSOM AND KATANGALLUR DESOM,
   TIRUR TALUK, MALAPPURAM DISTRICT.

4. **AYISHA BEEVI UMMA, THADATHIL HOUSE,**
   TRIKKANDIYUR AMSOM AND DESOM, TIRUR TALUK.

5. **ISMAYIL, THADATHIL HOUSE DO.DO.**

6. **ISSAUQ, THADATHIL HOUSE, DO.DO.**

7. **PATHUMMAKUTTY UMMA,**
   THADATHIL HOUSE, DO.DO.

8. AASSAN, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHRUVANNOOR DESOM OF
TIRUR TALUK.

9. NABEESA UMMA, THADATHIL HOUSE,
PURATHOOR AMSOM AND MUTTANNOOR DESOM,
TIRUR TALUK.

10. UBAID, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

11. VIRALIKKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

12. AHAMMEDKUTTY HAJI, THADATHIL HOUSE,
IRINGAVOOR AMSOM DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.

13. MUHAMMED, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

14. VELAYI, THADATHIL HOUSE, VALAVANNUR
AMSOM AND KATANGALLUR DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.

15. VEERANKUTTY KURIKKAL, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

16. SAIDHALI, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM, OF
TIRUR TALUK.

17. MUHAMMEDKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

18. HASSAN, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

19. VEERANKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

20. MARIYUMMA, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

21. BEEVI UMMA, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

22. VEERANKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

23. AALIKUTTY, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

24. ABUBACKER, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

25. MARIYAKUTTY UMMA,
THADATHIL HOUSE, VALAVANNUR AMSOM AND
KATANGALLUR DESOM, TIRUR TALUK, MALAPPURAM DIST.

26. KUNJIPATHUMMA, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

27. KUNIEEMA UMMA, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

28. KODALIL KAMZAKUTTY HAJI,
THADATHIL HOUSE, VALAVANNUR AMSOM AND
KATANGALLUR DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.

29. AYATHRUS, TRHADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

30. KADHYAMU UMMA, THADATHIL HOUSE,
ALIPARAMBA AMSOM AND DESOM OF
PERINTHALMANNA TALUK.

31. PATHUKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

32. IBRAHIM, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

33. SUBAIDHA, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

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34. NAFEESA, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND DESOM OF TIRUR TALUK.

35. K.HAIDRU, KODALIL HOUSE,
P.O.PARAMMAL ANGADI, KALPAKANCHERY,
MALAPPURAM DISTRICT.

36. MUHAMMED HANEEFA,
THADATHIL HOUSE, VALAVANNUR AMSOM AND
KATANGALLUR DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.

37. SULAIKHA, THADATHIL HOUSE,
VALAVANNUR AMSOM AND KATANGALLUR DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

38. KUNNATH SAIDALIKUTTY, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

39. MUHAMMED ASHRAF, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

40. MINNATH, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

41. ABDUL LATHEEF, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

42. MUSTHAFA, THADATHIL HOUSE,
VALAVANNOOR AMSOM AND CHERUVANNOOR DESOM OF
TIRUR TALUK.

R1 BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.HARISH R. MENON
R38 BY ADV. SRI.K.ANAND

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

ORDER ON I.A.NO.3830/2004 IN C.R.P.NO.1445/2004

DISMISSED

3/12/2007 **SD/- M.N.KRISHNAN, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

Kss

M.N. KRISHNAN, J.

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Dated this the 3rd day of December, 2007.

O R D E R

This revision petition is preferred against an order whereby the Court remitted the Commissioner's plan and report. There was only an interim stay of the passing of the final decree. The learned counsel for the revision petitioner submits that the Commissioner has already visited the property and submitted a report and therefore it may not be proper at this stage to say anything about the said order. Therefore, he requests that the Court while considering the remitted Commissioner's plan and report re-look into the legality of the remission as well as the objections that will be raised by the parties before passing the final orders on the final decree applications. The parties are also directed to adduce evidence in support of their respective contentions in the case.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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